YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**PARASHAT HASHAVUA**

***PARASHAT BEHAR***

**The Power of Society**

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And if a man sells a dwelling house in a walled city, then he may redeem it within a whole year after it is sold; within a full year may he redeem it. And if it is not redeemed within the space of a full year, then the house that is in the walled city shall become the permanent property of him who bought it, throughout his generations; it shall not go out in the *Yovel* (Jubilee year). (*Vayikra* 25:29-31)

If someone sells a house in a walled city and does not redeem his house within the space of one year, it belongs to the buyer for posterity; it does not revert to its original owner in the *Yovel* year. This is a most difficult law to explain. Just a few verses previously we read, “The land shall not be sold in perpetuity, for the land is Mine, for you are strangers and sojourners with Me” (25:23). Land cannot be sold in perpetuity, but only for a set amount of time, on the basis of a calculation of its expected produce up until the *Yovel* year. The reason for this is “for the land is Mine” – it belongs to God, in contrast to the mortals inhabiting and working it, who are “strangers (*gerim*) and sojourners (*toshavim*)” upon it.[[1]](#footnote-1) This law applies both to fields and to regular houses; all return to their original owners in the *Yovel* year. But when it comes to a house that is in a walled city, the law does not apply! If the principle underlying the law of property returning to its original owners in the *Yovel* year is that “the land is Mine” – all ultimately belongs to God, while mortal inhabitants are merely “strangers and sojourners” – then why is this principle suddenly ignored?

**“For you are strangers and sojourners with Me”**

What is the significance of the attribution of the land to God (“for the land is Mine”)? What is man’s status on the land? It is fascinating to note that immediately after the definition of man as a “stranger and sojourner,” the text goes on to speak of redemption: “And in all the land of your possession you shall grant a redemption for the land” (25:24). In other words, the field will return to its owner in the *Yovel* year, but even before then, the original owner and those close to him have an obligation to redeem it and restore it to its owner. How are we to reconcile the status of a “stranger and sojourner” with the concept of inheritance and a deep-rooted ownership so natural that the return of the land to the original owner is viewed as “redemption”?

We have no choice but to interpret the words, “for the land is Mine” in the context of God’s power to decide its purpose. The words “for you are strangers and sojourners with Me” are likewise to be understood in the categorical, rather than behavioral, sense. Behaviorally speaking, the land is “yours” – you will remain upon it and cultivate it for many years. At the same time, this is not a matter of your choosing, or – to put it differently – you do not have the sovereign power to decide the status and purpose of the land, for you are “strangers and sojourners with Me.” The expression “with Me” (*imadi*) would seem to mediate the tension between the human status as “strangers and sojourners” from the sovereign perspective and the preferential status of the owners in relation to that particular plot, as those for whom God has intended this land and as those who live and work upon it “with Me.”

As noted, this preferential status exists in relation to an ancestral field (vv. 23-28), a regular house (v. 31), and – especially – the Levite cities (vv. 32-34). What, then, is the meaning of the special category of houses within walled cities? Why is a person empowered to sell such a house in perpetuity?

**“The permanent property of him who bought it”**

Let us set aside for a moment the verses in *Sefer Vayikra* and consider the reality of a walled city. A walled city is one that has defined itself, placing a barrier that separates it from whatever is outside of itself. This separation transforms its inhabitants into a “community,” which our Sages label as a “*machaneh Yisrael*” (Israelite camp) – a status that is not awarded to the inhabitants of an un-walled city. To illustrate: During the period of the wilderness, a *metzora* had to remove himself from all three concentric areas of the camp surrounding the *Mishkan* (*Bamidbar* 5). Upon entering the Land of Israel, a “walled city” paralleled the status of the “Israelite camp,” and hence a *metzora* had to remain outside of the walls. A *metzora* who dwelled in an un-walled city could remain in his house and was not sent away. The reason for this is that a city without walls is not regarded as a “*macheneh Yisrael*,”[[2]](#footnote-2) and therefore there is no obligation for the *metzora* to leave it. It is no coincidence that the *mishna* chooses a wall as an expression of the power of the collective to coerce the individual to contribute towards communal needs: “He is coerced to [help] build the city’s wall and gateway doors and crossbar” (*Bava Batra* 1:5). The wall is a communal need; it protects the inhabitants of the city from the outside and it creates a social entity. Accordingly, the *mishna* views the individual’s participation in its construction as a clear expression of his belonging to this collective existence.

Let us now return to our question concerning the walled city and imagine a situation in which such a city would have no special status. A person who purchases a house in the city will then live there only until the *Yovel*, at which point the house reverts to its original owner. The implications are now clear: no society – certainly no sense of community – can ever develop in this city, because with the arrival of the *Yovel* year it disintegrates, time after time. The special law concerning a house in a walled city comes to prevent this situation.

In fact, two values are at odds with each other: One is an attachment to the land, as a symbol and agent of meaning and identity, a Divine creation whose great value man is commanded to recognize. The other is the necessity of movement and change, which are impossible if the first value is adhered to too closely. Every fifty years, there is a sort of “reset” of life. This creates a reality in which society cannot develop and no new communities can grow. The solution that the Torah arrives at is to draw a distinction between “the land” in general or an ancestral plot used for agriculture, which expresses the value of rootedness, and a walled city, where society and community are built up. Here the Torah allows the sale of a house in perpetuity, thereby opening up new opportunities for movement and development.

Let us have another look at the relevant verses:

And if a man sells a dwelling house in a walled city, then he may redeem it within a whole year after it is sold; within a full year may he redeem it. And if it is not redeemed within the space of a full year, then the house that is in the walled city shall become the permanent property of him who bought it, throughout his generations; it shall not go out in the *Yovel* (Jubilee year). (*Vayikra* 25:29-31)

“And if a man sells a dwelling house in a walled city” – this is a description of a certain reality; the sale is a legitimate act. “Then he may redeem it within a whole year after it is sold” – a year is a reasonable unit of time for a person to change his mind. The sale is still reversible and redemption is still an option. This law expresses the value of conservation and redemption that apply even in a walled city. Nevertheless, this window is limited: “within a full year (*yamim –* literally, “within [these] days”) may he redeem it” – after the period is defined as a “year,” it is viewed in more detailed resolution as “days,” emphasizing the weight and importance of this period of time. “And if it is not redeemed within the space of a full year” – the text could have gone on to describe what happens at the end of the year, without mentioning once again that the house has not been redeemed during the course of that time. The reiteration gives us pause; a situation in which the house is not redeemed is a significant reality, not merely incidental. An entire group of people – the seller of the house and his entire family – has chosen not to redeem the house, not to restore it to its original owner. This fact has immediate implications; the status of the house will now change. “Then the house that is in the walled city shall become the permanent property of him who bought it, throughout his generations; it shall not go out in the *Yovel*.” The text emphasizes once again that this house is “in the walled city” (*ba-ir asher lo choma*,literally, “in the city that has a wall”), thereby pointing to the subject – the “walled city,” which creates a society and a community. It is these that stand at the heart of this textual unit.

The house now becomes the property of the buyer “throughout his generations.”[[3]](#footnote-3) *Chazal* offer a unique interpretation of this verse:

R. Elazar taught in the name of R. Yossi: “That is in the walled city (*ba-ir asher lo choma)*” – The word *lo* is written *lamed alef* [indicating a negation], instead of *lamed vav* [indicating possession], as if to say, “Although there is no [wall] now, the city previously had one.” (*Pesikta* *Zutreta* [*Lekach Tov*], *Behar*)

R. Elazar’s comment addresses the discrepancy in meaning between the way in which the word *lo* is written and the way in which it is understood. According to his interpretation, the written form (*lo choma* – a negation) refers to the physical reality, a wall that does not exist, while the form in which the word is understood (*lo choma* – indicating that the city possesses a wall) alludes to the wall that previously existed. The Written Law here describes the tangible reality, while the Oral Law reveals what goes on in the human heart, revealing that we regard something as real and existing even after it has ceased to be. The wall created a certain social reality, and even though it no longer exists in actuality, we view is as though still existing.[[4]](#footnote-4)

At the beginning of *Sefer Vayikra*, God is described as inviting Moshe to the Tent of Meeting, where He speaks with him. Accordingly, the *Sefer* from beginning to end records the words spoken by God.[[5]](#footnote-5) The world here is viewed, as it were, from God’s point of view, which is different from the human perspective. This has many implications, including the statement in our *parasha*: “The land shall not be sold in perpetuity, for the land is Mine, for you are strangers and sojourners with Me.” A person has no right to sell his ancestral inheritance – the land and the houses upon it – which he received from God. But now it turns out that there is, after all, a situation in which a sale is made in perpetuity. That situation concerns the social fabric and social life that go beyond personal boundaries, extending to the entire community, to the “camp of Israel.” In this reality, a person may sell and part from his ancestral inheritance, and the house belongs to the buyer for all generations. In setting down this law, the Torah would appear to be inculcating another value, along with continuity: social life and renewal. The life of the collective now becomes a principle that is recognized and valued in *Sefer Vayikra* – which until now had sought in every circumstance the Divine perspective. A person wants to sell his inheritance, but the Torah tells him, “You are a stranger and sojourner; you cannot treat the land as if you are its sovereign owner.” Nevertheless, this person’s power is augmented and amplified when he is part of a broader circle of life, a member of a community or “*machaneh Yisrael*.” In this community, he is not a “stranger” or a “sojourner.” Here he is invested with the power and authority to sell, to part with his property, and to allow the buyer – and his progeny – to establish and nurture new life there, generation after generation.

Translated by Kaeren Fish

1. A “stranger” (*ger*) is someone who has left his country and birthplace to settle somewhere else. A “sojourner” (*toshav*) is someone who is living somewhere temporarily. Thus, the verse may be read as follows: “The land shall not be sold in perpetuity, for the land is Mine, for you are strangers (having come from far) and sojourners (living on this land only temporarily) with Me.” [↑](#footnote-ref-1)
2. “And they shall cast them outside of the city’ – outside of the whole city. A person cannot be outside of the whole city except in the case of walled cities” (Sifra, *Metzora* 6:4). Similarly, the Tosefta on *Nega’im* 7:13 concludes that removal from the city can only apply to “walled cities.” [↑](#footnote-ref-2)
3. The expression "forever" (*le-olam*) is different from the expression "throughout his generations” (*le-dorotav*). The first evokes the idea of eternity, while the second depicts one generation followed by the next, link after link forming a chain. [↑](#footnote-ref-3)
4. See our *shiur* on *Parashat Ki Tisa* for an elaboration of this distinction between the Written Law as setting forth the tangible reality and the Oral Law as identifying with the intentions of the heart and the inner meanings of actions. [↑](#footnote-ref-4)
5. There are two exceptions, where the text describes events: the story of the inauguration of the *Mishkan* (chapters 8-10) and the story of the blasphemer (24:10-23). [↑](#footnote-ref-5)